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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/591,471	06/09/2000	Richard Robert Boland	Boland 6-17-1	2775

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EXAMINER

ESCALANTE, OVIDIO

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 09/12/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/591,471

Applicant(s)

BOLAND ET AL.

Examiner

Ovidio Escalante

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 9-16, 19-26 and 29-37 is/are rejected.
- 7) ☒ Claim(s) 7-8, 17-18, 27-28 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities: on page 1, line 9 the U.S. Serial Number should be entered. Appropriate correction is required.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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5. Claims 1,3-6,11,13-16,21,23-26,33,34 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buhrmann US Patent 5,933,778 in view of Will US Patent 5,905,789.

***Regarding claims 1,11 and 21,*** Buhrmann teaches a method, apparatus and system for intelligent tandeming of an incoming call to an application node in telecommunication systems, (abstract; col. 3, line 65-col. 4, line 17), the method, apparatus and system comprising:

(a) a network interface (switch 104) for receiving an incoming call leg directed to a called party directory number, (col. 10, lines 50-56);

(b) a memory and processor coupled to the memory and network interface for determining a subscriber profile, (col. 10, lines 56-63);

(c) when the subscriber profile does not include a tandem parameter (call completion not active), routing the incoming call leg to the called party directory number, (col. 10, lines 65-67);

(d) when the subscriber profile includes the tandem parameter (call completion active), obtaining a routing parameter (col. 8, lines 21-25) and performing digit analysis of the called party directory number, (col. 10, lines 62-65; col. 11, lines 26-28; digit analysis is performed to determine the schedule of the called party based on their called number)

(e) when the digit analysis has been performed successfully, tandeming the incoming call leg to an adjunct network entity having an application node (e.g. voice mail system), (col. 11, lines 4-23).

Buhrmann does not specifically teach of providing a default mode when the digit analysis has not been performed successfully.

Will teaches that it was well known in the art to tandem a call to an application node (call forward system) if the digit analysis was successful and when the digit analysis has not been

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performed successfully, (e.g. subscriber/called party not located), providing a default mode for the incoming call leg, (fig. 2; col. 5, lines 50-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Buhrmann by providing a default mode when the digit analysis has not been performed successfully as taught by Will so that the calling party can be notified that initial connection to the application node failed.

**Regarding claim 3,13 and 23**, Buhrmann in view of Will teaches wherein the default mode comprises routing the incoming call leg to the called party directory number, (col. 11, lines 4-23, fig. 2, Will). Will teaches that after the call fails to be connected to a first destination then the calling party will be defaulted to a second called party directory number.

**Regarding claim 4,14 and 24**, Buhrmann in view of Will, as applied above, teaches wherein the default mode comprises providing for an announcement to be played to a calling party of the incoming call leg, (col. 11, lines 4-23; fig. 2-step 240, Will)).

**Regarding claim 5,15 and 25**, Buhrmann teaches wherein the tandem parameter is a predesignated value of a field in the subscriber profile, (col. 10, lines 62-67 steps 706,708).

**Regarding claim 6,16 and 26**, Buhrmann teaches wherein the tandem parameter is included as a predesignated value of a field within an ANSI-compatible calling features indicator parameter, (col. 5, line 52-col. 6, line 9).

**Regarding claim 33**, Buhrmann teaches wherein the switching center is a mobile switching center, (MSC 104; fig. 1).

**Regarding claim 34**, Buhrmann teaches wherein the switching center is a wireline switching center, (col. 5, lines 13-46).

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**Regarding claim 37**, Buhrmann teaches wherein the application node is a one number telecommunication service, (voice mail telecommunication service).

6. Claims 31,32,35 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buhrmann in view of Will and further in view of D'Amico et al. US Patent 5,579,379.

**Regarding claims 31,32,35 and 36**, while Buhrmann in view of Will teach of using a database for storing a subscriber profile, Buhrmann does not specifically teach wherein the database is a home location register or a visitor location register. Buhrmann further does not teach of wherein application node is a prepaid telecommunication service or wherein the application node is a calling party pays telecommunication service.

D'Amico teaches of a calling party pays telecommunication service which stores subscriber profiles in either a HLR or VLR, (col. 5, lines 10-35). D'Amico teaches that the databases are used to store information that is related to the subscriber and so that the switch can query the database to retrieve pertinent information.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Buhrmann by including a HLR or VLR and allowing a node to be a CPP node as taught by D'Amico so that the switch can determine subscriber profile information in a wireless network.

7. Claims 2,12 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buhrmann and Will and further in view of Applicant's admitted prior art.

**Regarding claim 2,12 and 22**, while Buhrmann teaches of determining that the subscribe profile does not include a tandem parameter, Buhrmann does not specifically teach of determining whether a trunk group of the incoming call is predesignated for tandemming.

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However, in page 2 of Applicant's specification, Applicant states that in the prior art tandeming was performed both on a group basis and on an all-or-none basis for certain groups of subscriber designated by trunk groups. Applicant states that incoming call legs are automatically tandemmed to an application node while for other groups of subscriber, also typically designated by trunk groups, incoming ~~cal~~ legs are never tandem, the all incoming call legs always directly routed to the subscriber,

Therefore, it would have been obvious to one of ordinary skill in the art that the system of Buhrmann could be modified to include trunk groups that a predesignated for tandeming or trunk groups that are not predesignated for tandeming after determining that the subscriber profile does not include a tandem parameter so that the calling party can be routed to an application node or the called party based upon the called party's trunk group.

8. Claims 9,10,19,20,29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buhrmann in view of Will and further in view of Welter US Patent 5,757,903.

***Regarding claim 9,10,19,20,29 and 30,*** while Buhrmann teaches of tandeming the incoming call leg, Buhrmann does not specifically teach wherein the routing parameter determines a selection of a trunk group for outgoing routing or wherein the digit analysis of the called party directory number determines a pattern match for available trunk groups for outgoing routing or tandeming of the incoming call leg and determines a format for the outgoing routing or tandeming of the incoming call leg.

Welter teaches that it was well known in the art to select a terminating trunk group, (abstract), and outputting the required number of subsequent address digits based on the Called

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Party Number parameter, (col. 12, lines 66-col. 13, line 33). Welter supports flexible termination calls that terminate at dedicated and shared trunk groups.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Buhrmann by allowing the switch to select a trunk group as taught by Welter so that the calling party can be terminated to the called party number.

***Allowable Subject Matter***

9. Claims 7,8,17,18,27 and 28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications intended for entry)

Or:

(703) 872-9314, (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).



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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ovidio Escalante whose telephone number is (703) 308-6262. The examiner can normally be reached on Monday to Friday from 6:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached on (703) 305-4895. The fax phone number for this Group is (703) 872-9314.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [fan.tsang@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Ovidio Escalante  
Examiner  
Group 2645  
September 5, 2003

FAN TSANG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

